
Appeal Decision

Site visit made on 19 June 2017

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 July 2017

Appeal Ref: APP/A5270/D/17/3169054
77 The Ridings, Ealing W5 3DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Goran Jamal against the decision of the Council of the London Borough of Ealing.
 - The application Ref 164685FUL, dated 12 September 2016, was refused by notice dated 14 November 2016.
 - The development proposed is described as "Works to front area including the felling of one Whitebeam tree (marked T3 on drawing) with provision of new additional vehicle crossover to The Ridings and reduction of vehicle hard standing area to permit additional rainwater runoff".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are firstly, whether the proposed development would preserve or enhance the character or appearance of the Hanger Hill (Haymills) Estate Conservation Area; and secondly, its effects on highway safety.

Reasons

The Conservation Area

3. The appeal property is a two storey detached dwelling, hipped-roofed and featuring the wide soffit overhangs, gable projection, curved bay and full length lintel which are all characteristic features of the 'moderne' style¹ of residential development present within the Hanger Hill (Haymills) Conservation Area. Set back deeply from the road behind a short brick wall and hedgerow, the environs of the appeal property are principally residential, with substantial brick-faced properties in relatively large plots imparting a strong planned suburban character to the Conservation Area.
4. The generous plots combined with the orientation and curving nature of the Conservation Area's principal streets, which give views through to open landscaping beyond, give a spacious and verdant character to the streetscene which is intensified by mature trees both along the street and within the front and rear gardens of the houses. The Conservation Area's significance resides

¹ As identified in the Council's Hanger Hill (Haymills) Estate Conservation Area Appraisal (adopted March 2008)

to a considerable degree in its comprehensively planned spacious and suburban character, to which the front plots and boundary treatments contribute strongly in defining the streetscape and creating a clear hierarchy of public and private spaces.

5. The proposed development, as described in the banner heading above, would introduce an additional vehicle crossing at the site to facilitate access and egress. A section of the existing short brick wall, hedge and mature whitebeam tree would be removed to create the access. Some modest additional areas of soft landscaping would be provided to the rear of the retained portion of hedge and boundary wall, and immediately to the front of the house.
6. The appeal property's current boundary treatment contributes strongly to the leafy and suburban character of the streetscene and helps to soften the edge of the extensive hardstanding present at the site. I saw in the immediate environs of the appeal property whilst the width of frontages varied, that a considerable amount of properties retained hedges and low brick wall boundary treatments, which taken together give strong definition to the streetscene, and a soft edge to the front plots, which in some cases, had extensive areas of hardstanding. The proposal to remove a substantial element of the front boundary would diminish its linear emphasis and definition of the streetscape and thus considerably reduce its contribution to the planned suburban character of the streetscene. Moreover, in exposing more of the appeal property's hard surfacing to public views it would impart a harder appearance to the appeal property's frontage that would diminish its contribution to the verdant character of the Conservation Area more generally.
7. The proposed development would also lead to the removal of the mature whitebeam tree at the site. The whitebeam is identified in the appellant's Tree Survey Record as a category B1 tree, of moderate quality in good physiological condition and fair structural condition with an ability to be present on the site for over 40 years. Whilst I note a lack of objection from the Council's Tree Officer in respect of the application, this tree, taken together with those along both sides of The Ridings within its environs, contributes strongly to the verdant and leafy character of the area, and its removal would diminish this to a considerable degree, compounding the harmful effects the proposed development would cause to the character and appearance of the Conservation Area.
8. As a consequence, and mindful of the duty arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the proposed development would fail to preserve the character and appearance of the Conservation Area.
9. Furthermore, in eroding the verdant, spacious and planned suburban layout of the estate it would diminish its significance. For these reasons, the proposed development would conflict with Policies 1.1 and 1.2 of the Ealing Development (Core) Strategy (adopted April 2012) (the Development Strategy); Policies 7.4, 7B and 7C of the Ealing Development Management Development Plan Document (adopted December 2013); Policies 7.4 and 7.6 of the London Plan: The Spatial Development Strategy for London- Consolidated with alterations since 2011 (adopted March 2016) (the London Plan); and the Hanger Hill (Haymills) Estate Conservation Area Management Plan (adopted March 2008). Taken together, and amongst other things, the policies and guidance seek to

ensure that new development makes a positive contribution to the streetscene taking account of its form, function, pattern, street sequence and grain; and cares for the borough's historic character conserving and enhancing the significance of its heritage assets.

Highway Safety

10. I saw at my site visit that a car exiting the proposed egress from the appeal property in forward gear would be afforded a reasonable emerging visibility. There is a 20mph speed limit in force along the road, and I saw speed bumps in the road, including one more or less immediately adjacent to the proposed vehicle crossover. Moreover, the proposed crossover is located a considerable distance from the junction with Hanger Lane. These considerations, taken together, lead me to the view that the proposed development would cause no significant harm to highway safety.
11. I note that the area is subject to resident only parking. Whilst I saw the white edge line adjacent to the speed bump, referred to by the appellant, it is unclear whether this prohibits parking alongside of it. In any event, the proposed development would only reduce the availability of on street parking by a maximum of one space. At my site visit, I saw within the immediate environs of the appeal property, that several dwellings benefited from off-street parking and this would tend to reduce the demand for on-street space. Furthermore, I have been supplied with no substantive evidence to suggest that there is a significant level of demand for on-street parking in the environs of the appeal property that would be exacerbated by the removal of one space. Consequently, it has not been demonstrated that any modest reduction in on-street parking space occurring as a result of the proposed development would cause demonstrably harmful effects to highway safety or residential amenity.
12. I have considered the appellant's comment that the proposed vehicle crossover would make access and egress to the property safer. However, the property has an existing access, with sufficient onsite space to ensure that cars can manoeuvre and thus emerge in forward gear, and have good visibility in either direction. It has not been demonstrated therefore that the proposed development would lead to any appreciable improvements in this respect.
13. However, for the above reasons I consider that the proposed development would not cause significant harm to the highway safety of the area. Accordingly, I discern no conflict with Policy 6.13 of the London Plan, or Policy 1.1 (f) of the Development Strategy. Taken together, and amongst other matters, these policies seek to ensure that developments support safe and convenient transport networks, and make appropriate arrangements for car-parking.

Other Matter

14. I note that the proposed development could provide additional soft landscaping on the site to allow surface water run-off. However, the additional areas shown on the block plan as proposed are very small in scale, and it is unclear that similar levels of soft landscaping could not be provided with the access arrangements as they exist at present. For these reasons this is a matter that weighs in the proposed development's favour to only a minimal degree.

Conclusion

15. The National Planning Policy Framework (the Framework) establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, that great weight should be given to the asset's conservation. The proposed development's effects, due to their relatively localised extent, would lead to less than substantial harm to the significance of the Conservation Area taken as a whole. Nevertheless, the Framework makes it clear, at paragraph 134, that such harm should be weighed against the public benefits of the proposal including securing its optimal viable use.
16. I have been supplied with no substantive evidence to suggest that the proposed development would secure the optimum viable use of the property. Moreover the marginal improvements achieved in terms of surface water run-off would carry only minimal weight in favour of the scheme; and whilst the proposed development would not cause undue harm in highway safety terms, it would not have appreciably positive effects in this regard, and thus would have only a neutral effect on the overall planning balance. Therefore the considerable weight and importance that I attach to the proposed development's harmful effect to the significance of the Conservation Area clearly and demonstrably outweighs these matters. For these reasons the requirements of the Framework would not be met by the proposed development.
17. Whilst the appeal scheme would meet the requirements of the highway safety aspects of the development plan, it would clearly conflict with the development plan policies that have been drawn to my attention relating to the character and appearance of conservation areas. Accordingly, as no material considerations have been advanced of sufficient weight to outweigh the appeal scheme's conflict with the development plan, I conclude, for the reasons given above, and taking into account all other matters raised, that the appeal should be dismissed.

G J Fort

INSPECTOR